

200656-6

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

GARY E. RANDALL,
Lawyer (Bar No. 15020).

Supreme Court No.

ASSOCIATION'S PETITION
FOR INTERIM SUSPENSION
[ELC 7.2(a)(3)]

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
2006 NOV 25 A 8:06
BY [signature] R. CARPENTER
CLERK

Under Rule 7.2(a)(3) of the Rules for Enforcement of Lawyer Conduct (ELC), the Washington State Bar Association (Association) petitions this Court for an Order of Interim Suspension of Respondent Gary E. Randall pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Senior Disciplinary Counsel Joanne S. Abelson (Abelson Declaration), filed with this Petition.

STATEMENT OF GROUNDS/ARGUMENT

As set forth in the Abelson Declaration, Respondent Gary E. Randall failed to respond to the Association's requests that he respond to a grievance filed against him, and failed to appear at a non-cooperation deposition to which he was subpoenaed.

Respondent also failed to produce his files and records in the underlying matter despite being served with a subpoena duces tecum issued by Disciplinary Counsel under ELC 5.3(f)(1). The subpoena was issued due to Respondent's failure to respond to the grievance.

It is necessary to obtain Respondent's responses and records so the Association can determine if Respondent violated the Rules of Professional Conduct (RPC). By refusing to comply with the Association's requests for information, Respondent has impeded and delayed the disciplinary process. Accordingly, the Association asks this Court to order Respondent's immediate interim suspension pending compliance with the Association's investigation.

STANDARD

Under ELC 7.2(a)(3), a respondent lawyer may be immediately suspended from the practice of law when the lawyer fails without good cause to comply with a request from the Association for information or documents or fails without good cause to comply with a subpoena.¹ Respondent's failure to comply with the Association's requests for response and its subpoena meets this standard.

¹ ELC 7.2(a)(3) provides:

Failure to Cooperate with Investigation. When any lawyer fails without good cause to comply with a request under rule 5.3(f) for information or documents, or with a subpoena issued under rule 5.3(f), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. If the lawyer complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

EFFECT OF RESPONDENT'S FAILURE TO COOPERATE

The lawyer discipline system provides "protection of the public and preservation of confidence in the legal system." In re Disciplinary Proceeding Against McMurray, 99 Wn.2d 920, 930, 655 P.2d 1352 (1983). Given the limited resources available to investigate allegations of lawyer misconduct, "such investigations depend upon the cooperation of attorneys." Id. at 931.

"Compliance with these rules is vital." In re Disciplinary Proceeding Against Clark, 99 Wn.2d 702, 707, 663 P.2d 1339 (1983). Because Respondent has not responded to the grievance, appeared for a deposition or provided the requested records, the Association has not been able to determine whether he violated the RPC as alleged by the grievant. The Association's effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

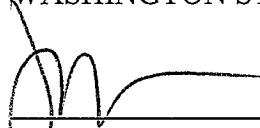
CONCLUSION

Respondent's failure to cooperate with a disciplinary investigation is an ongoing violation of ELC 5.3. Accordingly, the Association asks the Court to issue an order to show cause under ELC 7.2(b)(2) requiring Respondent to appear before the Court on such date as the Chief Justice may set, and show cause why this petition for interim suspension should not be granted.

DATED THIS 24th day of November, 2008.

Respectfully submitted,

WASHINGTON STATE BAR ASSOCIATION

A handwritten signature in black ink, appearing to be 'Joanne S. Abelson', written over a horizontal line.

Joanne S. Abelson, Bar No. 24877
Senior Disciplinary Counsel
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
206-727-8251

200656-6

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SUPREME COURT
STATE OF WASHINGTON
2008 NOV 25 A 9:07
BY FILED CLERK
die

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

GARY E. RANDALL,

Lawyer (Bar No. 15020).

Supreme Court No.

DECLARATION OF SENIOR
DISCIPLINARY COUNSEL
JOANNE S. ABELSON

I, Joanne S. Abelson, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary proceedings against Respondent Gary E. Randall.
2. On September 18, 2008, the Association received a grievance from Respondent's client, Sandra Bauer, alleging that Respondent neglected her case. See Appendix A.
3. On September 19, 2008, disciplinary counsel requested that Respondent submit a response to the grievance within two weeks. See Appendix B.
4. Respondent did not submit a response to the grievance.
5. On October 23, 2008, disciplinary counsel sent Respondent a certified "10-day" letter requesting that Respondent submit a response to the grievance by November 5, 2008. See Appendix C.
6. Respondent did not submit a response to the grievance.
7. On November 7, 2008, disciplinary counsel issued a subpoena duces tecum requiring that Respondent appear for a deposition at 10:00

a.m. on November 20, 2008 and bring with him his complete client file and all financial records pertaining to the grievant. See Appendix D.

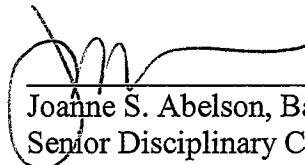
8. Respondent was served with the subpoena duces tecum on November 10, 2008. See Appendix E.

9. Respondent did not appear for the deposition and did not contact disciplinary counsel to make other arrangements. See Appendix F.

10. Respondent still has not responded to the Bauer grievance.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

11/24/08 Seattle WA
Date & Place


Joanne S. Abelson, Bar No. 24877
Senior Disciplinary Counsel

APPENDIX A

RECEIVED

SEP 18 2008
WSBA OFFICE OF
DISCIPLINARY COUNSEL

GRIEVANCE AGAINST A LAWYER



Return your completed form to:

Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

GENERAL INSTRUCTIONS

- Read our information sheet *Lawyer Discipline in Washington* before you complete this form, particularly the section about waiving confidentiality.
- Type or write legibly but do not use the back of any page.
- Do not fax your form to us or send your form to us via the Internet.
- If you have a disability or need assistance with filing a grievance, call us at (206) 727-8207. We will take reasonable steps to accommodate you.

INFORMATION ABOUT YOU

BAUER, Sandra
Last Name, First Name
31338 NE 11th ST
Address
Carnation Wa 98014
City, State, and Zip Code
425 844 2748
Telephone Number (Day/Evening)
425 788-7496
Alternate address/phone where we can reach you

INFORMATION ABOUT THE LAWYER

Randall Gary
Last Name, First Name
17311 135th Ave NE B358
Address
Woodinville Wa 98072
City, State, and Zip Code
425 402-6006
Telephone Number

INFORMATION ABOUT YOUR GRIEVANCE

Describe **your** relationship to the lawyer who is the subject of your grievance by checking the box that best describes you:

☒ Client

☐ Former Client

☐ Opposing Party

☐ Opposing Counsel

☐ Judicial

☐ Other: _____

Is there a court case related to your grievance? _____ YES ☒ NO

If yes, what is the case name and file number, and who is the lawyer representing you?

Explain your grievance in **your own words**. Give all important dates, times, places, and court file numbers. Attach additional pages, if necessary. Attach **copies (not your originals)** of any relevant documents.

Gary Randall has yet to complete the easement on the property. I have called him many many times - every two weeks to 4 weeks to tell him to finish this lawsuit. The easement is not completed or filed. The Cooks have NOT planted adequate screening between the two properties. Their property is now up for sale without this work done.

I paid Gary many thousands to obtain this agreement. The lack of screening will negatively impact the value of our property. Every time I talk to Gary, he agrees to complete the job & then does nothing. My last conversation about two weeks ago, he told me to be patient. I pointed out to him that in Feb. it will be two years. He again agreed to write the letter to opposing Council right away & send me a copy. Again - nothing. I am including 1) the settlement agreement. 2) letter I wrote in May telling

AFFIRMATION

I affirm that the information I am providing is true and accurate to the best of my knowledge.

Signature: _____

Date: _____

Sept 14, 2008

Explain your grievance in your own words. Give all important dates, times, places, and court file numbers. Attach additional pages, if necessary. Attach copies (not your originals) of any relevant documents.

Gary to complete the job 3). Copy
of proof of delivery of letter to
Gary

I told Gary that I would file a
complaint if he did not complete the
job. He said he did not want that &
would do the work - I have no
more patience.

Our agreement is dated Feb 15 2007.

My letter to Gary is dated May 5, 2008
It is now Sept. 14, 2008.

I have spent many hundreds of dollars
to provide screening because the Cook's
have not. I have also spent many
hours trying to get Gary to complete
this job.

AFFIRMATION

I affirm that the information I am providing is true and accurate to the best of my knowledge.

Signature: 

Date: 9-14-08

2/15/07

Bauer v. Cook CR24 Settlement Agreement
King County Cause No. 05-2-31804-0-See
1. Parties - Steven J Cook & Stacy Cook (C)
- Sandra Bauer & Andrew Constant
(C "Bauer")

2. Bauer and Cook agree that the surveyed property line is the appropriate boundary between lots 131 & 132 which are the subject of the lawsuit and that the current fence erected by Cook is on or inside that line.

3. Cook shall pay Bauer \$16,900 in the form of a cashier's check on trust account check from Carol Schindt's trust account on or before February 25, 2007.

4. Cook will provide screening plants on the Cook property adjacent to the fence reasonably anticipated to provide privacy screening between the two properties.

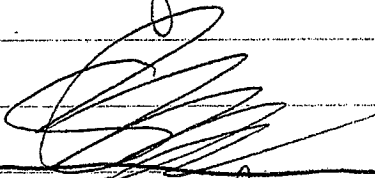
5. To the extent necessary for the maintenance of the Bauer septic tank and system, Cook shall grant an easement over that portion of the Cook property adjacent to the Bauer Septic tank. Schindt & Ball draw

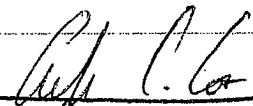
2

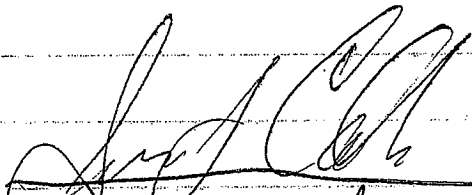
on an easement for approval by Randall with the usual easement documentation including return of the Cook property to prior condition.

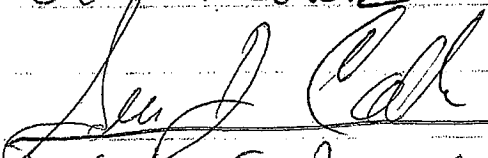
6. Upon payment ^{and recording of the easement}, the lawsuit shall be dismissed with prejudice.

7. Signatures



Sandra Bauer

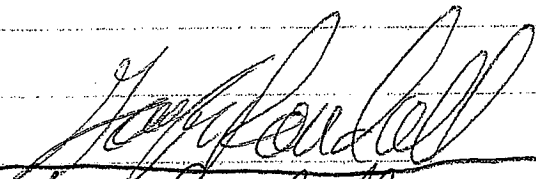

Andrew Constant


Steven Cook


Steven Cook by Steven Cook

Acknowledged:

2/15/07  #24971
Carol Schmidt
Attorney for Cook


Gary Randall
Attorney for Bauer
WSBH 15020

8. Notice of Settlement shall be provided to the Court.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gary Randall
17311 135th Ave NE B350
Woodinville Wa
98072

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

G. Randall

C. Date of Delivery

5-6-08

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

2. Article Number

7007 0710 0000 2949 6541

(Transfer from service lab)

May 5 2008

Gary Randall
17311 135th Ave NE B350
Woodinville, Wa 98072

Sandra Bauer
Andrew Constant
31338 NE 111th St
Carnation WA 98014

Dear Gary:

The lawsuit you litigated on our behalf was resolved 15 months ago with two outstanding issues. One was to finalize an easement and the other was for the Cooks to replant trees between the two properties adequate to provide privacy screening.

I have called regularly from March 2007 to April of 2008, asking you to finish the easement; and I called several times between last fall and April 2008 to tell you that the Cooks have planted only two trees around 150 feet of mutual property line, which is clearly inadequate screening. You have said that you would contact and follow up with the Cooks' attorney but you have not.

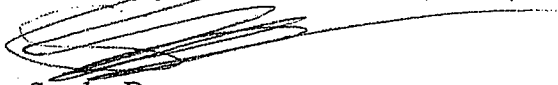
You have said that you had called and left messages that were not answered. I asked to you send a letter to the Cook's attorney with return receipt requested and you agreed to do that with a copy to me; and you have not done that either.

Fifteen months is way too long to finish this up. This needs, and should be able, to be completed soon.

Please both call me at 425/844-2748 and provide a written outline of how and when you are going to complete this case. We fear that, if you continue to fail to perform your duty, we will have to retain new counsel to do it, and charge you for the extra money we would be required to pay to complete what we have already paid you for.

Additionally, we feel that the burden your dereliction has put on us would merit a complaint to the Washington State Bar Association. We of course would prefer to avoid taking both those measures and to have you finish the job you undertook for us; so please respond to this letter within two weeks.

Sincerely yours



Sandra Bauer
Andrew Constant

APPENDIX B



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Acknowledgment That We Have Received a Grievance

Date: 9/19/2008

WSBA File: 08-01448

To the Grievant:

We received your grievance against a lawyer and opened a file with the file number indicated above. We are requesting a written response from the lawyer. You generally have a right to receive a copy of any response submitted by the lawyer. After we review the lawyer's response, if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation, we will write you a letter to tell you that. If we begin an investigation of your grievance, we will give you our investigator's name and telephone number. If, as a result of an investigation and formal proceeding, the lawyer is found to have violated the RPC, either the Washington State Bar Association Disciplinary Board or the Supreme Court may sanction the lawyer.

Our authority and resources are limited. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings. You should consider contacting another lawyer to represent you in any ongoing civil or criminal case or to determine whether other remedies may be available to you. If you believe criminal laws have been broken, you should contact your local police department or prosecuting attorney. There are time deadlines for both civil and criminal proceedings, so you should not wait to take other action.

Please read the enclosed form for additional information about the grievance process. Our office handles a large number of files. We urge you to communicate with us only in writing until we complete our initial review of your grievance. You should hear from us again within four weeks.

Request for Lawyer Response

To the Lawyer:

Although we have reached no conclusions on the merits of the grievance that has been filed against you, we are requesting your preliminary written response postmarked or delivered to us within **two (2) weeks** of the date of this letter. Please provide any information you believe is relevant. You must personally assure that all records, files, and accounts related to the grievance are retained until you receive written authorization from us, or until this matter is concluded and all possible appeal periods have expired.

Absent special circumstances, and unless you provide us with reasons to do otherwise, we will forward a copy of your response to the grievant. If the grievant is not your client, or you are providing personal information, please clearly identify any information that you believe we should withhold and we will forward a copy of your redacted response to the grievant, informing the grievant that he or she is receiving a redacted copy. Decisions to withhold information may be considered by a review committee of the Disciplinary Board. The grievance process is governed by the Rules for Enforcement of Lawyer Conduct (ELC). ELC 5.3(e), a copy of which is enclosed with related rules, sets out the obligations of a respondent lawyer, including the duty to promptly file a written response. If you believe further action should be deferred because of pending litigation, please so indicate and explain the basis for your request under ELC 5.3(c).

Sincerely,

A handwritten signature in cursive script, appearing to read "Felice P. Congalton".

Felice P. Congalton
Senior Disciplinary Counsel

Enclosures: Lawyer Discipline in Washington

Original: Grievant: Sandra Bauer
cc: Lawyer: Gary E. Randall
(with enclosure and copy of grievance)

APPENDIX C



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Senior Disciplinary Counsel

October 23, 2008

Gary E. Randall
Law Office of Gary E Randall
17311 135th Ave NE Ste B350
Woodinville, WA 98072-3519

Re: WSBA File: 08-01448
Grievance filed by Sandra Bauer

Dear Mr. Randall:

We asked you to provide a written response to the above referenced grievance. To the best of our knowledge, your response, which is required by Rule 5.3(e) of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response to the allegations of this grievance within ten days after service of this letter, i.e., on or before **November 5, 2008**. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2). You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,

A handwritten signature in cursive script, appearing to read "Felice P. Congalton".

Felice P. Congalton
Senior Disciplinary Counsel

cc: Sandra Bauer

CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED THE FOREGOING LETTER TO BE MAILED TO THE LAWYER NAMED ABOVE AT LAW OFFICE OF GARY E RANDALL, 17311 135TH AVE NE STE B350, WOODINVILLE, WA 98072-3519, CERTIFIED (RETURN RECEIPT NO. 7006 2150 0000 7572 9302) MAIL, POSTAGE PREPAID, ON OCTOBER 23, 2008.

A handwritten signature in cursive script, appearing to read "Felice P. Congalton".

FELICE P. CONGALTON
SENIOR DISCIPLINARY COUNSEL

7006 2150 0000 7572 9302

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here 10/23
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To GARY RANDALL	
Street, Apt. No., or PO Box No. 17311 135th AVE NE STE B350	
City, State, ZIP+4 WOODINVILLE, WA 98072-3519	
PS Form 3800, August 2006 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: Gary Randall 17311 135th AVE NE STE B350 WOODINVILLE, WA 98072-3519	B. Received by (Printed Name) G Randall C. Date of Delivery 10-24-08
	D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
2. Article Number (Transfer from service label) 7006 2150 0000 7572 9302	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

APPENDIX D



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Joanne S. Abelson
Senior Disciplinary Counsel

direct line: (206) 727-8251
fax: (206) 727-8325

HAND DELIVERED WITH SUBPOENA DUCES TECUM

November 7, 2008

Gary E. Randall
Law Office of Gary E Randall
17311 135th Ave NE Ste B350
Woodinville, WA 98072-3519

Re: Grievance of Sandra Bauer against lawyer Gary E. Randall
WSBA File No. 08-01448

Dear Mr. Randall:

Enclosed is a subpoena duces tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **Thursday, November 20, 2008 at 10:00 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanne S. Abelson".

Joanne S. Abelson
Senior Disciplinary Counsel

Enclosure

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7 BEFORE THE
8 DISCIPLINARY BOARD
9 OF THE
10 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 GARY E. RANDALL,
Lawyer (Bar No. 15020).

WSBA File No. 08-01448

SUBPOENA DUCES TECUM

13 THE STATE OF WASHINGTON TO: Gary E. Randall

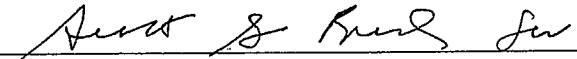
14 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for
15 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar
16 Association offices, 1325 4th Avenue, Suite 600, Seattle, WA 98101, on Thursday, November
17 20, 2008 at 10:00 a.m., to testify in investigatory proceedings being conducted by the
18 Washington State Bar Association.

19 YOU ARE FURTHER COMMANDED to bring the following with you at the above
20 time:

21 1. Your complete file and whatever documents may be in your possession or control
22 relating to your representation of Sandra Bauer, and all financial records, including trust account
23 and client ledgers, canceled checks, and bank statements relating to funds received in
24

1 connection with your representation of Sandra Bauer.

2 Dated this 7th day of November, 2008.

3 
4 Joanne S. Abelson, Bar No. 24877
5 Senior Disciplinary Counsel
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APPENDIX E

BEFORE THE DISCIPLINARY BOARD OF THE
WASHINGTON STATE BAR ASSOCIATION

In Re:

GARY E. RANDALL,

Lawyer (Bar No. 15020).

NO. 08-01448

AFFIDAVIT OF SERVICE

State of Washington)


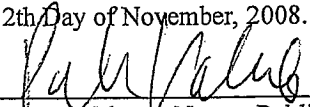
County of King S/S)

The undersigned, being first duly sworn, on oath deposes and says:

That the undersigned is now and at all times mentioned herein was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness therein.

That on **November 10, 2008**, at **3:00 PM**, at the address of **17311 135th Avenue NE, Suite B350**, Woodinville, Washington, affiant duly served **Subpoena Duces Tecum** and **Letter** in the above entitled action upon **Gary E. Randall** by then and there personally delivering true and correct copies thereof into the hands of and leaving same with **Gary E. Randall** (45-55, caucasian, male, 5'9", medium build) named witness.

		Each	Total
Service	1	\$15.00	\$15.00
Mileage/Trips	1	\$60.00	\$60.00
Affidavit	1	\$15.00	\$15.00
Miscellaneous		\$0.00	\$0.00
Miscellaneous		\$0.00	\$0.00
			\$90.00


T. Tugsbileg King County #9402780
Subscribed and sworn to me this
12th Day of November, 2008.

Peter A. Valente- Notary Public in and for the
State of Washington, residing at Seattle.
Commission expires June 7, 2012

AFFIDAVIT OF SERVICE - 1

SEATTLE LEGAL MESSENGER SERVICES, LLC
711 6TH AVENUE NORTH #100
SEATTLE, WA 98109
(206) 443-0885

1953

SEATTLE LEGAL

711 6th Avenue North #100 Seattle, WA 98109
Phone 443-0885 - Fax 728-2833

CLIENT/MATTER/FILE # 08-01448

For office use only PB MP OS F PS IICHARGES 90

DATE: November 7, 2008

FIRM: **WSBA**

ATTY/SEC/Phone#: JSA/EM/733-5904

CASE: GARY EVAN RANDALL

CAUSE NO: 08-01448

DOCUMENT(s): Cover Letter with SDT.

Gary E. Randall
Him.

OFFICE SERVICEDEADLINE: RECEIVED BY: TIME: **OFFICE SERVICE**☐ DELIVERY☐ RETURN STAMPED
COPY☐ ROUND TRIP
(RETURN TODAY)☐ OBTAIN SIGNATURE
(RETURN ORIGINAL)☐ NOTARY☐ PICK-UP**RECEIVED**

NOV 14 2008
WSBA OFFICE OF
DISCIPLINARY COUNSEL

Him
11/10/08 3:00 PM
A. Regis/leg.

15
60
15
90

RECEIVED
NOV 13 2008
W.S.B.A.

FILINGSFILING DEADLINE: ☐ FILE FIRST ☐ SERVE FIRST ☐ EITHER

USDC		BANKRUPTCY		APPEALS		DISTRICT COURT COUNTY OF
<input type="checkbox"/> SEATTLE	<input type="checkbox"/> COUNTY SUPERIOR	<input type="checkbox"/> SEATTLE	<input type="checkbox"/> SEATTLE	<input type="checkbox"/> SEATTLE	<input type="checkbox"/> SEATTLE	
<input type="checkbox"/> TACOMA	<input type="checkbox"/> AUDITOR	<input type="checkbox"/> TACOMA	<input type="checkbox"/> TACOMA	<input type="checkbox"/> TACOMA	<input type="checkbox"/> TACOMA	

PROCESS SERVICELAST DAY TO SERVE: 11/12/07 (AFFIDAVIT REQUIRED)SERVE ☒POST ☐MAIL ☐

Residence:

Business:

(P)

Gary Evan Randall
Law Office of Gary E Randall
17311 135th Ave NE Ste B350
Woodinville, WA 98072-3519

Age: 45-55
Race: Caucasian
Sex: M
Ht: 5'9"
Wt: Medium
Hair: Brown
Eyes: light
Veh:



WSBA
OFFICE OF DISCIPLINARY COUNSEL

Joanne S. Abelson
Senior Disciplinary Counsel

direct line: (206) 727-8251
fax: (206) 727-8325

HAND DELIVERED WITH SUBPOENA DUCES TECUM

November 7, 2008

Gary E. Randall
Law Office of Gary E Randall
17311 135th Ave NE Ste B350
Woodinville, WA 98072-3519

Re: Grievance of Sandra Bauer against lawyer Gary E. Randall
WSBA File No. 08-01448

Dear Mr. Randall:

Enclosed is a subpoena duces tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **Thursday, November 20, 2008 at 10:00 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,

Joanne S. Abelson
Senior Disciplinary Counsel

Enclosure

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7 BEFORE THE
8 DISCIPLINARY BOARD
9 OF THE
10 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 GARY E. RANDALL,
13 Lawyer (Bar No. 15020).

WSBA File No. 08-01448

SUBPOENA DUCES TECUM

14 THE STATE OF WASHINGTON TO: Gary E. Randall

15 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for
16 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar
17 Association offices, 1325 4th Avenue, Suite 600, Seattle, WA 98101, on Thursday, November
18 20, 2008 at 10:00 a.m., to testify in investigatory proceedings being conducted by the
19 Washington State Bar Association.

20 YOU ARE FURTHER COMMANDED to bring the following with you at the above
21 time:

22 1. Your complete file and whatever documents may be in your possession or control
23 relating to your representation of Sandra Bauer, and all financial records, including trust account
24 and client ledgers, canceled checks, and bank statements relating to funds received in

APPENDIX F

BEFORE THE DISCIPLINARY BOARD OF THE
WASHINGTON STATE BAR ASSOCIATION

In re:)
GARY E. RANDALL) WSBA File No. 08-01448
Lawyer (Bar No. 15020))

DEPOSITION UPON ORAL EXAMINATION OF
GARY E. RANDALL

Taken at: 1325 Fourth Avenue, Suite 600
Seattle, Washington 98101

Date Taken: November 20, 2008

Reported By: Eileen L. Berg, RPR, CCR #2812

Treece, Shirley & Brodie Court Reporters
1415 North 200th Street, Suite B-7
Shoreline, WA 98133-3219
(206) 624-6604

A P P E A R A N C E S

FOR THE BAR ASSOCIATION:

JOANNE S. ABELSON

Washington State Bar Association

1325 Fourth Avenue

Suite 600

Seattle, Washington 98101-2539

(206) 727-8207

RESPONDENT:

No Show

* * * * *

MS. ABELSON: We are on the record at 10:35 a.m.

on November 20th. We are here in the matter of Gary E.

Randall for a deposition. I've marked as Exhibit No. 1 the

Subpoena Duces Tecum that required Mr. Randall to appear

here for a deposition on Thursday, November 20 at 10:00 a.m.

I've marked as Exhibit No. 2 the Affidavit of

Service of the subpoena that indicates that Mr. Randall was

served with the subpoena on November 10, 2008 at 3:00 p.m.

It is now 10:35, Mr. Randall has not appeared. I

have not gotten any communication from him at any time with

respect to the subpoena and certainly not anything

10:43 1 indicating that he would not appear today, no calls or no
10:43 2 E-mail, so at this point I'm making a record of that and we
10:43 3 will go off the record.

4 (Exhibit No. 1-2 attached)

5 (Adjourned at 10:37 a.m.)
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C E R T I F I C A T E

STATE OF WASHINGTON)

) ss

COUNTY OF KING)

I, the undersigned Registered Professional Reporter and an officer of the Court under my commission as a Notary Public for the State of Washington, hereby certify that the foregoing statement was taken before me on November 20, 2008, and transcribed under my direction;

That the transcript is a full, true, and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 20th day of November, 2008.




EILEEN L BERG NOTARY PUBLIC in and for the State of Washington, residing at SEATTLE. Commission expires March 20, 2011. CSR 299-06 BE-RG-*E-L551MM


1 DATE: November 21, 2008

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5 TO: JOANNE S. ABELSON
6 Washington State Bar Association
7 1325 Fourth Avenue
8 Suite 600
9 Seattle, Washington 98101-2539

10 NOTICE RE FILING OF DEPOSITION

11 RE: Case Name: In Re: Gary E. Randall
12 Venue/Case No: WSBA, 08-01448
13 Date Taken: November 20, 2008

14 Enclosed is the original sealed transcript.

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18 Eileen L. Berg, Court Reporter

19 cc: JOANNE S. ABELSON
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BEFORE THE DISCIPLINARY BOARD OF THE
WASHINGTON STATE BAR ASSOCIATION

In re:)
GARY E. RANDALL) WSBA File No. 08-01448
Lawyer (Bar No. 15020)) **ORIGINAL**

DEPOSITION UPON ORAL EXAMINATION OF
GARY E. RANDALL

Taken at: 1325 Fourth Avenue, Suite 600
Seattle, Washington 98101

Date Taken: November 20, 2008

Reported By: Eileen L. Berg, RPR, CCR #2812

Treece, Shirley & Brodie Court Reporters
1415 North 200th Street, Suite B-7
Shoreline, WA 98133-3219
(206) 624-6604

A P P E A R A N C E S

FOR THE BAR ASSOCIATION:

JOANNE S. ABELSON

Washington State Bar Association

1325 Fourth Avenue

Suite 600

Seattle, Washington 98101-2539

(206) 727-8207

RESPONDENT:

No Show

* * * * *

MS. ABELSON: We are on the record at 10:35 a.m.

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10:43 3 will go off the record.

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C E R T I F I C A T E

STATE OF WASHINGTON)

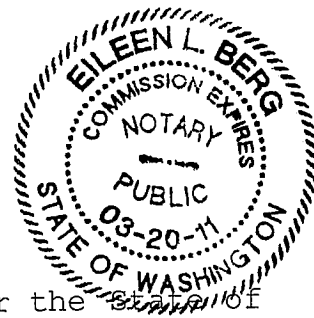
) ss

COUNTY OF KING)

I, the undersigned Registered Professional Reporter and an officer of the Court under my commission as a Notary Public for the State of Washington, hereby certify that the foregoing statement was taken before me on November 20, 2008, and transcribed under my direction;

That the transcript is a full, true, and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 20th day of November, 2008.

EILEEN L BERG NOTARY PUBLIC in and for the State of Washington, residing at SEATTLE. Commission expires March 20, 2011. CSR 299-06 BE-RG-*E-L551MM

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7 BEFORE THE
8 DISCIPLINARY BOARD
9 OF THE
10 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 GARY E. RANDALL,

13 Lawyer (Bar No. 15020).

WSBA File No. 08-01448

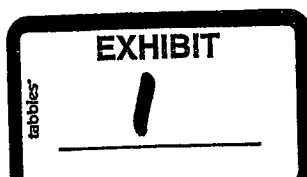
SUBPOENA DUCES TECUM

14 THE STATE OF WASHINGTON TO: Gary E. Randall

15 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for
16 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar
17 Association offices, 1325 4th Avenue, Suite 600, Seattle, WA 98101, on Thursday, November
18 20, 2008 at 10:00 a.m., to testify in investigatory proceedings being conducted by the
19 Washington State Bar Association.

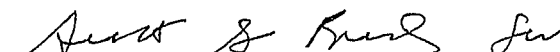
20 YOU ARE FURTHER COMMANDED to bring the following with you at the above
21 time:

22 1. Your complete file and whatever documents may be in your possession or control
23 relating to your representation of Sandra Bauer, and all financial records, including trust account
24 and client ledgers, canceled checks, and bank statements relating to funds received in



1 connection with your representation of Sandra Bauer.

2 Dated this 7th day of November, 2008.

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4 Joanne S. Abelson, Bar No. 24877
5 Senior Disciplinary Counsel
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SEATTLE LEGAL

711 6th Avenue North #100 Seattle, WA 98109
Phone 443-0885 - Fax 728-2833

CLIENT/MATTER/FILE # 08-01448

For office use only PB _____ OS _____ F _____ PS _____

CHARGES _____

DATE: November 7, 2008

FIRM: **WSBA**

ATTY/SEC/Phone#: JSA/EM/733-5904

CASE: GARY EVAN RANDALL

CAUSE NO: 08-01448

DOCUMENT(s): Cover Letter with SDT.

OFFICE SERVICE

DEADLINE: _____

RECEIVED BY: _____ TIME: _____

OFFICE SERVICE

☐ DELIVERY

☐ RETURN STAMPED
COPY

☐ ROUND TRIP
(RETURN TODAY)

☐ OBTAIN SIGNATURE
(RETURN ORIGINAL)

☐ NOTARY

☐ PICK-UP

FILINGS

FILING DEADLINE: _____

☐ FILE FIRST ☐ SERVE FIRST ☐ EITHER

USDC		BANKRUPTCY		APPEALS	DISTRICT COURT COUNTY OF
<input type="checkbox"/> SEATTLE	<input type="checkbox"/> COUNTY SUPERIOR	<input type="checkbox"/> SEATTLE	<input type="checkbox"/> SEATTLE		
<input type="checkbox"/> TACOMA	<input type="checkbox"/> AUDITOR	<input type="checkbox"/> TACOMA	<input type="checkbox"/> TACOMA		

PROCESS SERVICE

LAST DAY TO SERVE: 11/12/07 (AFFIDAVIT REQUIRED)

SERVE ☒

POST ☐

MAIL ☐

Residence:

Business:

Gary Evan Randall
Law Office of Gary E Randall
17311 135th Ave NE Ste B350
Woodinville, WA 98072-3519

Age:

Race:

Sex:

Ht:

Wt:

Hair:

Eyes:

Veh:

EXB. # 2

EILEEN BERG

BEFORE THE DISCIPLINARY BOARD OF THE
WASHINGTON STATE BAR ASSOCIATION

In Re:

GARY E. RANDALL,

NO. 08-01448

Lawyer (Bar No. 15020).

AFFIDAVIT OF SERVICE

State of Washington)

County of King S/S)

The undersigned, being first duly sworn, on oath deposes and says:

That the undersigned is now and at all times mentioned herein was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness therein.

That on **November 10, 2008**, at **3:00 PM**, at the address of **17311 135th Avenue NE, Suite B350**, Woodinville, Washington, affiant duly served **Subpoena Duces Tecum** and **Letter** in the above entitled action upon **Gary E. Randall** by then and there personally delivering true and correct copies thereof into the hands of and leaving same with **Gary E. Randall** (45-55, caucasian, male, 5'9", medium build) named witness.

		Each	Total
Service	1	\$15.00	\$15.00
Mileage/Trips	1	\$60.00	\$60.00
Affidavit	1	\$15.00	\$15.00
Miscellaneous		\$0.00	\$0.00
Miscellaneous		\$0.00	\$0.00
			\$90.00

Tugsbileg

T. Tugsbileg King County #9402780
Subscribed and sworn to me this
12th Day of November, 2008.

Peter A. Valente

Peter A. Valente - Notary Public in and for the
State of Washington, residing at Seattle.
Commission expires June 7, 2012

AFFIDAVIT OF SERVICE - 1

SEATTLE LEGAL MESSENGER SERVICES, LLC
711 6TH AVENUE NORTH #100
SEATTLE, WA 98109
(206) 443-0885